

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 25, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on January 25, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D, Vice President
Joyce A. Hahn, Ph.D, APRN, NEA-BC
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N., B.S.N. (joined later)
Evelyn Lindsay, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

STAFF ABSENT:

Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Virginia Beach School of Practical Nursing; Once Health Circle; Henrico County St. Mary's Hospital; Carilion Stonewall Jackson; Southside Virginia Community College

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Barry A. McElyea, R.N. Reinstatement Applicant 0001-148758
Mr. McElyea appeared.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:25 A.M., for the purpose of

deliberation to reach a decision in the matter of Mr. McElyea. Additionally, Mr. Horn moved that Ms. Krohn, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:35 A.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reinstate the professional nursing license of Barry McElyea and issue a valid in Virginia only license. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Taneka S. Jones, C.N.A. Reinstatement Applicant 1401-104701**
Ms. Jones did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:00 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Mr. Jones moved that Ms. Power, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:25 A.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing deny the reinstatement application of Taneka Jones and continue Ms. Jones's nurse aide certificate on indefinite suspension for a period of not less than two years. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Lane joined the meeting making a total of six Board members present. Ms. Douglas joined the meeting.

RECESS:

The Board recessed at 10:27 A.M.

RECONVENTION:

The Board reconvened at 10:45 A.M.

FORMAL HEARINGS:

Charles Curtis-Thomas, R.N. Reinstatement Applicant 0001-125735

Mr. Curtis-Thomas appeared.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

RECESS:

The Board recessed at 11:15 A.M.

RECONVENTION:

The Board reconvened at 11:20 A.M.

Patricia Sheehan, Senior Investigator, Department of Health Professions; Pamela Kincheloe, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:11 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Curtis-Thomas. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:23 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing deny the reinstatement application of Charles Curtis-Thomas and continue Mr. Curtis-Thomas's license on indefinite suspension for a period of not less than two years.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Davis joined the meeting and Ms. Lee left the meeting.

FORMAL HEARINGS:

Melody L. Morgan, L.P.N. 0002-074944

Ms. Morgan appeared, accompanied by her mother Kimberly Yurtsover.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Kara Franco, Case Manager, Health Practitioners Monitoring Program; and Kimberly Yurtsover were present and testified.

CLOSED MEETING:

Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Morgan. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:25 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing continue the practical nursing license of Melody Morgan on indefinite suspension, but stay the suspension

contingent upon her reentry into the Health Practitioners Monitoring Program and thereafter require she remain in compliance with the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:30 P.M.

RECONVENTION: The Board reconvened at 2:05 P.M.

Ms. Krohn left the meeting.

FORMAL HEARINGS: **Arla P. Pelligrini, L.P.N. 0002-052712**
Ms. Pelligrini did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Dawn France, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pelligrini. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:30 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing continue the practical nurse license of Arla Pelligrini on indefinite suspension for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Audrey M. Trow, R.N. 0001-186866**

Ms. Trow did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Kara Franco, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Trow. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:45 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing continue the professional nursing license of Audrey Trow on indefinite suspension for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 2:47 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director